

Restorative Justice Practices: Community Building & Conflict

Repairing Harm, Restoring Relationships, Building Community

Repairing Harm and *Restoring Relationships* builds a strong sense of *Community*. Through principles and strategies, Restorative Justice increases the connections of people to one another. When misconduct or an offense occurs, it is not simply a violation of a rule. It is a violation against a relationship.

Restorative Justice is a philosophy, not a program or project. Through collaboration with all stakeholders, the Restorative Justice philosophy embodies a set of strategies to enable people to build community and restore community when harm is done.

Regarding discipline, Restorative Justice Practices represent different, perhaps even innovative, strategies to resolve conflict. Restorative Justice seeks to build community between and amongst people who have experienced conflict and harm. However, as a philosophy and healing practice, Restorative Justice seeks harmony through the development of common understanding between people. That being said, the goal of Restorative Justice is not simply conflict resolution, although the circle processes of Restorative Justice usually achieve that purpose. Its main goals are restoring relationships through repairing the harm caused by misconduct, misbehavior, or crime.

When misconduct or even a criminal offense occurs, Restorative Justice views it as not simply a violation of a rule or law. Rather, the offense is a violation against a relationship, now in need of repair, forgiveness, and healing. Focusing upon harm, rather than on rules violations, allows people to repair that harm. When repaired, the harm actually becomes an opportunity to restore confidence in the relationships, which in turn, builds a stronger sense of trust within communities of people.

Restorative Justice is not focused upon punishment, although accountability for causing harm is a strong component. Restorative Justice focuses upon rehabilitation of relationships, with the belief that a stronger sense of relationship will demonstrably increase the likelihood of closure for victims, resolution for offenders, and successful reintegration of the offenders into the school community as productive students.

In order to intentionally and deliberately build a strong and healthy sense of community, we first need to examine how community gets formed. Look at the model below. It depicts the interplay between and amongst Community, Relationships, and Trust.



Examples of Differences between a Punitive Paradigm and a Restorative Paradigm

The Punitive Paradigm	Issues	The Restorative Paradigm
Is our view of discipline weighted too strongly towards punitive measures and objective results, at the expense of more meaningful measures?	DISCIPLINE	Is discipline viewed as a <i>learning opportunity</i> ? Do we demonstrate decision-making that fully considers the best interests of children, family, and the community?
Are our standards communicated as “rules to be followed”?	STANDARDS	Do standards reflect our honored, touchstone values?
Is behavior controlled by external/ outside pressures that are exerted upon children?	CONTROL	Do we view children as controlling their own behavior from within?
Is misbehavior personalized by adults, such that children are perceived as plotting attacks to undermine adults?	MISCONDUCT & MISBEHAVIOR	Does the community view misconduct/ misbehavior/poor decision-making as a misguided attempt by a child to get his or her internal needs met?
Are children merely taught content, without problem solving skills or context?	LEARNING & SKILL BUILDING	Are children <i>problem solvers</i> , capable of learning to respond responsibly to the context of the world’s circumstances?
Are children expected to rigidly obey standards?	EXPECTATION OF CHILD	Are children expected to struggle, such that they naturally seek and receive guidance?
Do children feel acceptance and love as conditioned upon their actions and behaviors?	MESSAGE CHILD RECEIVES	Does each child feel unconditionally accepted, loved, and nurtured?
Is accountability meted out by adult to child in a hierarchical fashion, with little input from or dialogue with the child and parent(s)?	ACCOUNTABILITY	Is accountability perceived as a valuable gift given to a child within a trusting relationship, following an interchange of dialogue, listening, and understanding?
Is responsibility used to blame wrongdoers, shame malefactors, and punish offenders?	RESPONSIBILITY	Is responsibility used as a means to allow the offender to first “own” their behavior and then take action to repair the harm resulting from the misconduct?
When a child receives discipline, do we react punitively as a first, rather than last, resort and/or seek to swiftly incarcerate that child?	SYSTEM	When a child receives discipline, are we committed to reintegrating the child back into the community through a process that reduces any harmful effects caused by the child’s behavior and/or repercussions from the court process?

Dedinsky, P. (2012). *Experiencing Restorative Justice Practices within the Context of an Academic Course – A Phenomenological Mixed Methods Study.*

Circle Guidelines / Common Agreements

Why do I prioritize common agreements and circle guidelines? Experience conducting thousands of circles and conferences has proven the effectiveness of maintaining a high level of personal **safety**. Good facilitators know that when circles become *safe containers*, participants more honestly and openly share their thoughts and feelings. Proficient facilitators value physical, emotional, and psychological **safety**. A few points:

- Instead of being imposed upon them from an external authority, youth in circles normally create their own circle guidelines based upon their personal values.
- Empowering youth to determine their own list of guidelines increases the level of buy-in, investment, and ownership of not only the terms of the common agreements, but the underlying represented concepts as well.
- When youth create their own guidelines, facilitators explain that youth tend to be more apt to hold their peers accountable to them.

To support the development of the *safe container* concept for their circle, youth created the following circle guidelines:

- 1) Respect the person possessing the talking piece.
- 2) Listen respectfully. “Side” talking is forbidden.
- 3) Speak using respectful language. No blaming, shaming, or put downs.
- 4) Speak from the heart and be honest.
- 5) Respect confidentiality: What is said in the circle stays in the circle.

While it may be tempting to adopt an approach to facilitation that favors “free flowing” processes without requiring circle members to “submit” to rules or guidelines, I advise against circles without any form, organization, or structure. Circle participants derive a healthy sense of **safety** from the certainty that common agreements and guidelines provide, and this type of safety should be considered another excellent strategy to build trust. Therefore, I recommend that leaders set proper limits and boundaries to ensure that all participants feel **safe**, self-assured, and confident that their needs will be considered and addressed.

Sample Exercise: R-E-S-P-E-C-T

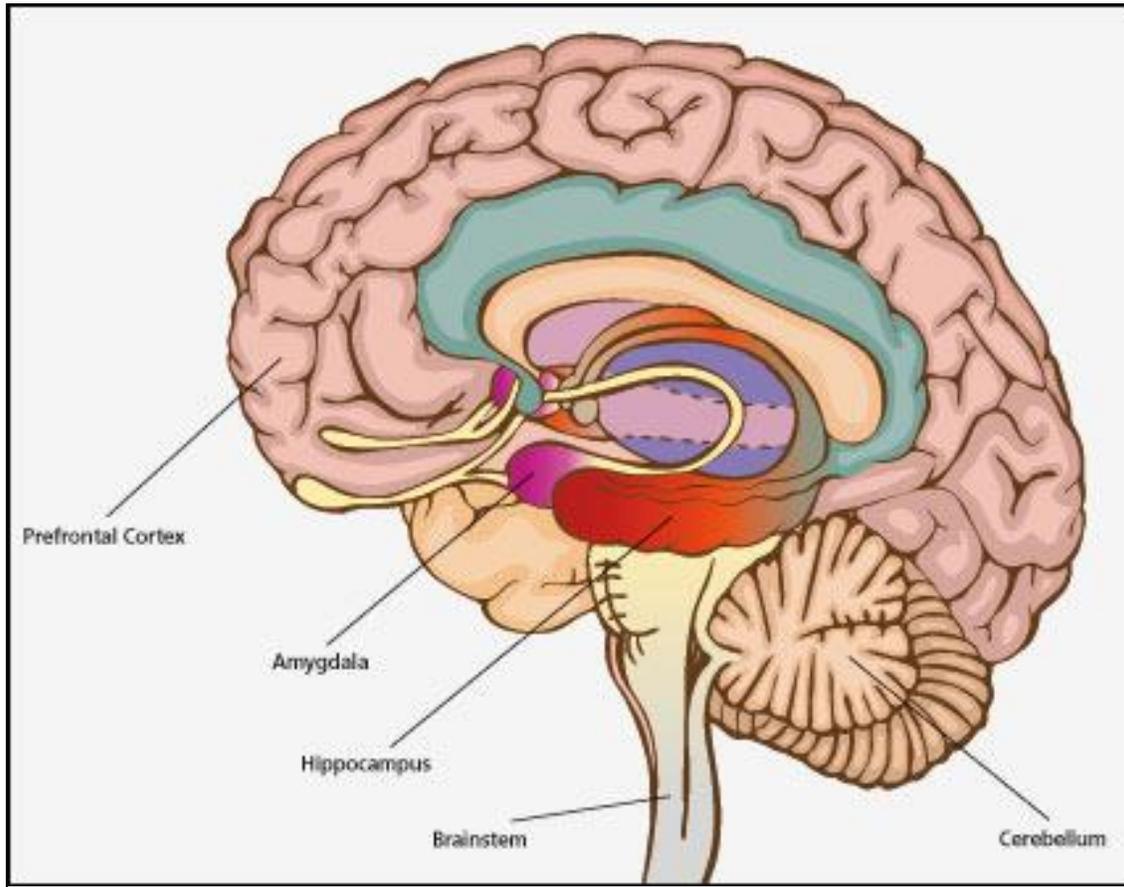
Directions: Have youth describe what they mean when using the word, “respect”. Perhaps ask: “Share an experience of when you felt respected.” Or, use a sentence stem: “A time that I felt respected was...” OR “A time that I felt disrespected was...” Facilitator should consider generalizing or categorizing some of the responses for later discussion about what attributes led to feelings of respect/disrespect.

Explanation & Processing of Exercise: Note that youth may use words like *respect* without necessarily providing tangible examples. Different people may attach different meanings to what it means to be *respectful* of others when interacting. For example, *respect* may take the form of asking questions rather than making statements, not interrupting while others are speaking, asking for clarification rather than judging, accepting others who express themselves differently, or refraining from making noises of approval or disapproval when others express themselves. Healthy circles spend time discussing what is meant by certain words that express underlying concepts and values.

The principal goal of community building exercises is to increase trust. Consider the following core values and principles of restorative justice practices when planning community building exercises.



Harm and the Human Brain



Brainstem – *fight / flight / freeze*

The brainstem is the most primitive part of the brain and the location of involuntary functions – including the fight/flight/freeze response to harm or potential harm.

Prefrontal Cortex – *rational thought*

The prefrontal cortex is the location of reasoning, impulse control, higher-order learning, and problem-solving.

Amygdala – *the brain's "threat detector"*

The sensory information coming into the brain has to pass through the amygdala. If the amygdala determines that the sensory input is "safe," it sends it on to the prefrontal cortex where it can be processed rationally. If the amygdala perceives the information to be harmful (or potentially harmful), it sends the input down to the brainstem for immediate action.

Response to Harm

When we perceive that we have been harmed – or may be harmed – our brains attempt to protect us by shutting down rational thought and preparing us to fight, flee, or freeze.

Understanding Core Emotions

Emotions / Feelings – spontaneous, inner reaction to a person, place, or situation.

“Mad”: When I’m feeling mad, the energy is about *me not getting what I want*.

“Mad” encompasses feelings and emotions ranging from irritated, annoyed, and frustrated to anger and rage.

“Glad”: When I’m feeling glad, the energy is about *me getting what I want*.

“Glad” encompasses feelings and emotions ranging from content and confident to happy, ecstatic, and loved.

“Sad”: When I’m feeling sad, the energy is always about *me experiencing loss*.

“Sad” encompasses feelings and emotions ranging from loneliness, melancholy, and sadness to deep loss, abandonment, and grief.

“Scared”: When I’m feeling scared, the energy is about *me concerned about getting hurt or suffering a loss*. The *hurt* or *loss* can be physical or financial, but it is often an emotional, psychological, mental, spiritual, or even social hurt (such as when feelings get hurt).

“Scared” encompasses feelings and emotions ranging from caution, insecurity, and suspicion to anxiety, fear, and shock.

“Shame”: When I’m feeling ashamed, the energy is about *me feeling bad about who I am*.

“Shame” encompasses feelings and emotions ranging from embarrassment and not feeling “good enough” to humiliation and self-hatred.

Note: For our purposes, Guilt is differentiated from Shame, in terms of operational definition. For example, when a person feels guilt, he *feels “bad” about something he has done*, – an action or behavior. For that reason, some practitioners consider guilt as part emotion / part judgment.

Note: It might be helpful to think about the above list of Core Emotions as categories representing a broad range of different feelings and emotions. The italicized print provides us with very basic operational definitions to begin to help us differentiate between someone’s expression of a given emotion and its underlying meaning.

People often interpose judgments as emotions. For instance, feeling *exhausted* or *confused* or *hysterical* or *disgusted* or *mischievous* or *smug* or *overwhelmed* or *hopeful* or *jealous* or *bored* or *surprised* or *shy*... these “feelings” might more accurately be described as judgments. Judgments may describe a core emotion but are not necessarily emotions unto themselves. For instance, jealousy may describe one emotion in particular or a combination of emotions such as mad, sad, scared and/or shame. A gain a fuller understanding of a person’s experience may require more in-depth questioning and analysis.

SUPPORT: What does SUPPORT really look like???

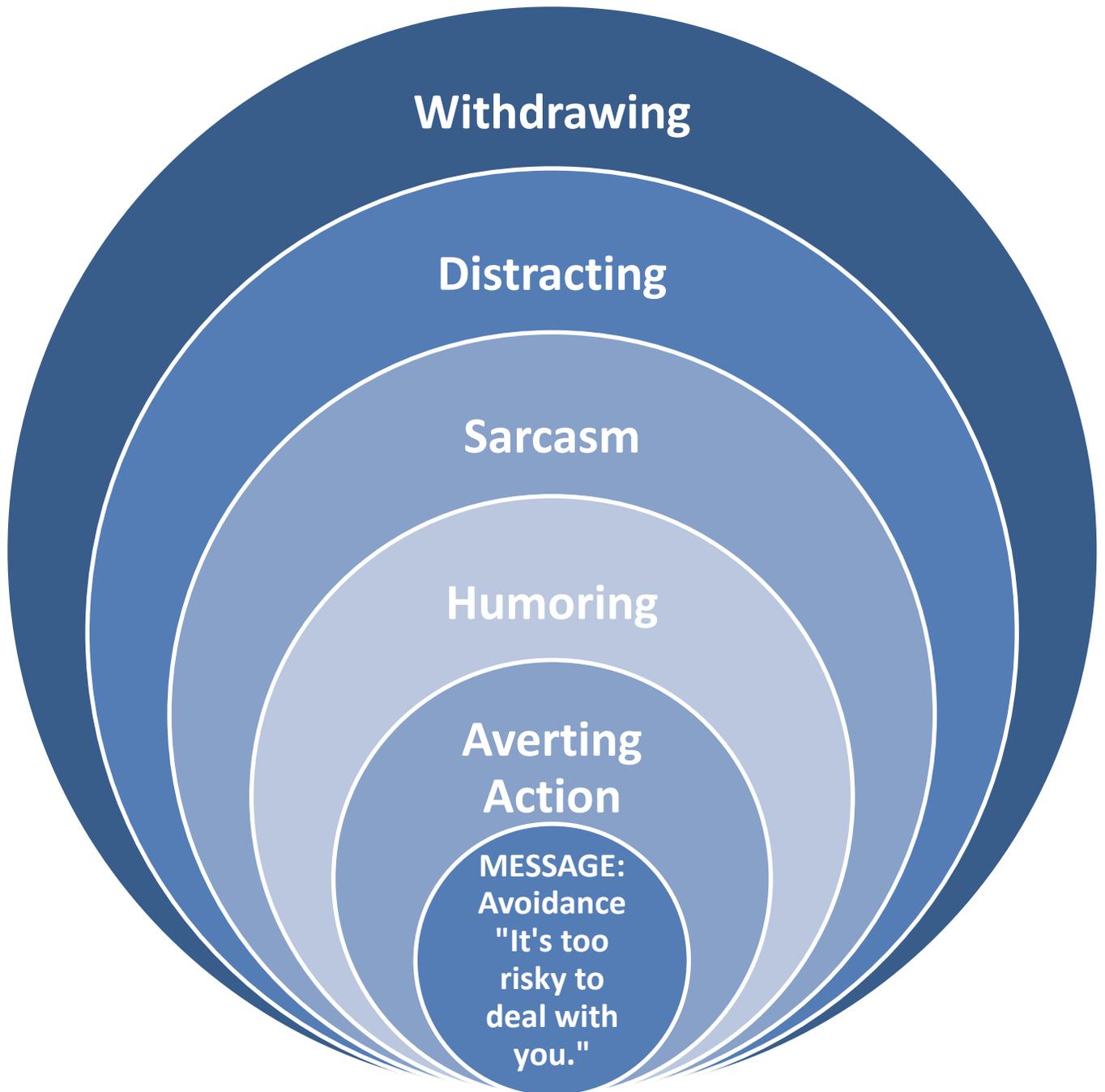
How can I attempt to keep myself balanced in relation to another person's discomfort, sufferings, or struggles?



-OR- Does SUPPORT look like any of the following?



SUPPORT: When I find someone in need, what message do I send if I respond to them by...



**How do I best show my SUPPORT with others?
What are some of the best choices and options?**



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